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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,002	02/26/2004	Jonathan Nobels	42783-0033	3542
23577	7590	06/13/2007		
RIDOUT & MAYBEE SUITE 2400 ONE QUEEN STREET EAST TORONTO, ON M5C3B1 CANADA			EXAMINER NEGRON, WANDA M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 06/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,002

Applicant(s)

NOBELS, JONATHAN

Examiner

Wanda M. Negrón

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because in line 2 of paragraph [0037] the camera button is incorrectly identified by reference number 60, where it should be reference number 46. Appropriate correction is required.

Claim Objections

2. **Claim 11** is objected to because in line 10 the word *switching* is misspelled as "swithing". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-5, 7-15, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kodama (US 6,249,275 B1).**

5. Regarding **claims 1 and 2**, Kodama teaches a method of integrating camera operations into a mobile device, i.e. a portable pen computer (see figure 2), the mobile device including a camera (23) and a camera activator (camera button 39), the mobile device having an active application, i.e. a multimedia page creation/editing/storage application (see figure 5), and a camera application, i.e. an image-capturing application

(see figure 7A), the method comprising the steps of switching from operation of the active application to the camera application, i.e. suspending any multimedia page editing and activating the camera feature (see col. 6, line 56 – col. 7, line 2), in response to detection of a first signal from the camera activator (a signal from a half-depression of the camera button in S13); and detecting a second signal from the camera activator (a signal from full-depression of the camera button in S132) and, in response to detection of said second signal, capturing image data via the camera (S133), resuming operation of the active application, i.e. deactivating the camera feature and resuming multimedia page editing (see col. 4, lines 28-36; col. 7, lines 2-6), and inserting said image data into an active document, i.e. inserting the image into the active multimedia page (e.g., see figures 3A-3B).

6. Regarding **claim 3**, Kodama teaches that the mobile device includes a display screen (LCD 282 of tablet 28) and wherein the camera application operates in a viewfinder mode, i.e. a motion image or animation mode (see col. 6, lines 23-32), for displaying a camera view on said display screen.

7. Regarding **claim 4**, Kodama teaches that said active document, i.e. said multimedia page, includes a word processing document, i.e. a page with only text inputted before inserting an image (see col. 7, line 66 – col. 8, line 14), a contact entry or a personal profile (see figure 3A), a memo (see figure 3B), or a multimedia message, i.e. a page text and audio inputted before inserting an image (see col. 7, line 66 – col. 8, line 14).

8. Regarding **claim 5**, Kodama teaches that said active document, i.e. a multimedia

page, is open in an editable mode, i.e. an insertion or capture mode (see col.7, line 66 – col. 8, line 9), prior to said step of switching.

9. Regarding **claim 7**, Kodama teaches the steps of activating an input field within said active document, i.e. presetting the image display area within the active multimedia page (see col. 7, lines 3-6), and enabling a camera listener interface (button signal processor 41 for detecting depression of camera button 39), prior to said step of switching.

10. Regarding **claims 8 and 9**, Kodama teaches that said step of capturing image data includes creating an image object (61), and that said step of inserting includes passing said image object to said active application, i.e. displaying image 61 within the active multimedia page, whereupon said active application inserts said image within an input field in said active document (see figures 3A-3B; col. 7, lines 3-9).

11. Regarding **claim 10**, Kodama teaches that the camera activator includes a triggering device, i.e. a camera button (39).

12. Apparatus **claims 11-15 and 17-19** are drawn to the apparatus corresponding to the method of using same as claimed in claims 1-5 and 7-10. Therefore apparatus **claims 11-15 and 17-19** correspond to method claims 1-5 and 7-10, and are rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodama (US 6,249,275 B1).**

15. Regarding **claim 6**, as mentioned in the discussion of claims 1 and 5 above, Kodama teaches all the limitations of the parent claim. Kodama, however, does not explicitly teach a step of testing whether said active document is open in an editable mode prior to the step of switching. Official notice is taken that the step of verifying if an operation is valid prior to performing said operation is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine if an active document is open in an editable mode prior to inserting an image into said document because performing such verification prevents unnecessary image capturing/processing, thus decreasing unnecessary power consumption.

16. Apparatus **claim 16** is drawn to the apparatus corresponding to the method of using same as claimed in claim 6. Therefore apparatus **claim 16** corresponds to method claim 6, and is rejected for the same reasons of obviousness as used above.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Sukai (Japanese Patent Application Publication No. 10-027255) discloses a device for editing a text document by attaching an image captured by a video camera when a video image button is depressed while the document is active.
- Levine et al. (US Application Publication No. 2003/0177448 A1) teach a system and a method for acquiring and inserting images into application program documents.
- Kumar (US Patent No. 6,961,004 B2) teaches a portable unit which allows textual, audible, and visual message inputs recordation and playback.
- Maeda et al. (US Patent No. 5,008,854) disclose a tablet portable device for inputting and displaying character and image data that are stored in association to each other.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622
June 6, 2007

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER